



PRESS-REGISTER

Lawyers prosecuting Siegelman deny any political bias

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For months now, Louis Franklin has been fielding calls from relatives asking about his political about-face.

Franklin, who is black and generally considers himself a Democrat, is the leader of the group of lawyers who on Monday will begin the prosecution of former Gov. Don Siegelman, along with two members of his Cabinet, and Richard Scrushy, the former chairman of HealthSouth Corp. The federal trial is in Montgomery.

On television and in newspaper stories, Siegelman has relentlessly characterized the charges against him as drivel drummed up by Republicans out to destroy his career.

That has Franklin's relatives thinking: If Siegelman's a Democrat, Louis must now be a ... Republican?

"I don't want any more of my family members calling and saying, 'I didn't know you were a Republican,'" the 47-year-old prosecutor said with a chuckle during a recent interview.

Then his mood turned. "The idea that this is political just p—es me off," he said.

For Franklin's partner, 49-year-old Steve Feaga, accusations of political bias are almost old hat.

But in Feaga's case, they've generally come from Republicans accusing him or one of his bosses — especially former Attorney General Jimmy Evans — of engaging in a Democrat-inspired political witch hunt. The prime example: the 1993 prosecution by Evans' office of Republican Gov. Guy Hunt, when Feaga played the lead role at trial.

"There's no doubt in my mind that during the investigation and prosecution of Hunt, the effort I was spearheading was portrayed by Hunt's supporters as a politically motivated attack on him by Democrats," Feaga said.

In Feaga's office, framed newspaper articles tell of guilty verdicts and plea arrangements involving Hunt and other public figures prosecuted by Feaga. Most of those defendants were Republicans.

Feaga and Franklin have much in common. Both have fathers who served in the military, and both are career prosecutors, which is to say that neither is a political appointee. Both are in their mid- to late 40s, husbands of more than 20 years, and fathers.

And both are eager to get this trial started.

"This thing has consumed my life and it's time to do it and get it over with," Franklin said. "I want to get onto trial where the focus is not on the lawyers but on the facts of the case."

When Franklin was young, his father, now deceased, said he wanted Louis to be a lawyer. The request stuck with him.

"Even when I was a kid, I always wanted to go law school," said Franklin, a Montgomery native and graduate of Carver High School there.

Wrestling was his sport, Franklin said. He competed as a 105-pounder in high school and junior college, but with no scholarship money available, dropped the sport at the University of Alabama, where he majored in criminal justice.

After college, he worked at the Alabama Department of Youth Services and earned a masters degree in Justice and Public Safety at Auburn University at Montgomery.

Soon after, Franklin fell ill, required hospitalization and was unconscious for almost two days. When he came to, his uncle told him, "You've been talking forever about law school. Life's too short to wait much longer."

He attended law school at Howard University in Washington, D.C., then moved to Selma to practice what he laughingly called "begging law" with Legal Services Corp. of Alabama. His clients were indigent, and usually facing lawsuits seeking to collect on debts.

"I called it begging law because I would beg plaintiffs for mercy, to let my clients work out some way to pay them back, even if it wasn't everything," he said.

In 1990, U.S. Attorney Jim Wilson, a Republican appointee, hired Franklin. "He cared about the people who worked for him," Franklin said of Wilson, who is now in private practice in Montgomery.

"I was what's called a line AUSA (assistant U.S. attorney), assigned to the criminal division," Franklin said. "The very first case I did was a pornography case involving sending porn through the mails."

Franklin gravitated to major drug crimes, which he enjoyed, and Wilson elevated him to head of the office's organized drug crime unit. He would remain in that job after Redding Pitt, an appointee of President Clinton, supplanted Wilson.

In 1996, Franklin decided to give private practice a shot, and was hired by a statewide firm with an office in Montgomery. He hated it, he said.

"There was nothing interesting about it. It was all about the money -- keeping track of your time and billing clients while you sit and research and talk on the phone. In two years I tried one case -- in a small claims court in Dothan," Franklin said.

He called Pitt, asked if his old job was there, and was accepted back. Immediately, he found himself in the courtroom once again, trying drug cases.

"I love to go to trial. If I've spent a day in trial, I was having a damn good day," said Franklin, the father of two.

Franklin is about to get all the trial work that he can handle. He can expect to spend the entire month, and perhaps into June, questioning witnesses and presenting the government's case against the four defendants.

Back in 2001, neither he nor Feaga imagined it would be them prosecuting this case.

When George W. Bush won the presidency in 2000, Pitt was out as U.S. attorney, and for the first eight months of 2001, career prosecutor Charles Niven served as acting U.S. attorney.

It was during Niven's short tenure that the investigation into the G.H. Construction warehouse scandal started. Attorney General Bill Pryor announced the investigation within days of an April 29 Press-Register story reporting billing irregularities by G.H. Construction, a fledgling outfit picked by the Siegelman administration to oversee a \$20 million project to build two state warehouses in Montgomery.

In September -- and this has always been the primary basis of Siegelman's claim of a political motive -- Bush appointee Leura Canary became U.S. attorney. Her husband, Bill Canary, has a long history in Republican politics, and is a good friend of Gov. Bob Riley.

Siegelman has time and time again accused Canary of doing her husband's bidding by endlessly investigating him and, finally, falsely accusing him of crimes. Siegelman and David Cromwell Johnson, his lawyer at the time, first made these charges at a memorable March 2002 news conference at which they demanded she recuse herself from the case.

As a prop, Johnson, who is now deceased, brought three canaries in a cage, and said that canaries sing -- just like Leura Canary allegedly sang in leaking grand jury information to her husband and the media. Johnson offered no proof, and Canary and her husband angrily denied his accusations.

Canary did, however, remove herself from all aspects of the Siegelman case. Siegelman continues to publicly blame her for the charges against him, although Franklin, Feaga and others have repeatedly declared that Canary has had no input in the investigation and that they don't even discuss it with her.

The Siegelman probe was initially assigned to Assistant U.S. Attorney Julia Weller, and she requested

assistance from the Public Integrity Section of the U.S. Department of Justice, Franklin said.

The Washington-based sub-agency of the Justice Department focuses on public corruption cases. Though it operates under a Bush-appointed attorney general, it has aggressively prosecuted big-name Republicans, including the governor of Connecticut and matters involving Ohio's governor and a major GOP fundraising scandal in that state. The section is also in charge of the ongoing probe into Republican lobbyist Jack Abramoff.

The Public Integrity Section initially assigned the Siegelman administration case to John Scott, a senior trial attorney in its office. Scott was in Montgomery in June 2003, when G.H. Construction owner Lanny Young, former top Siegelman aide Nick Bailey, and another man pleaded guilty to bribery and other crimes related to the warehouse and other matters, and agreed to cooperate.

At that point, the investigation appeared to be going gangbusters. Soon after, though, Scott was assigned to prosecute the Olympic bribery case in Salt Lake City, which required months of preparation, and more months at trial. He would never return to the Montgomery case.

By early 2004, little more had been accomplished in the case and Weller resigned to care for a new child. Franklin, who was chief of the office's criminal division, took over and brought in Feaga, something he now says he wished he'd done from the start.

"Feaga is our designated hit man. Everybody wants Steve's help on their cases," said Franklin. "He has an amazing ability to take enormous amounts of information and condense it in a very short amount of time and make it very simplistic so anybody can understand it. He's always calm and he doesn't get frazzled."

Feaga's father was an Air Force pilot, and he an Air Force brat. One of the family's last moves was to Maxwell Air Force Base in Montgomery, where Feaga graduated from Jefferson Davis High School.

He graduated from the University of Alabama, and attended Cumberland School of Law in Birmingham on an ROTC scholarship. He got his first taste of prosecuting as a JAG — judge advocate general — in the Air Force Reserves, and but for a few intervals, has been prosecuting ever since.

The father of four is now a colonel in the Air Force Reserves, and serves as the legal advisor to the Air Force Reserve Command in Langley, Va.

Feaga spends at least some time every day on his military work, and often heads off to Langley for weekend duty.

"I wouldn't want to label it fun," he said. "It's rewarding because it's an opportunity to contribute to the national defense of the United States, though in a limited way. I'm not out there sacrificing my life."

In 1985, he hung a shingle in Montgomery to practice law, but a year later, Jimmy Evans, then the Montgomery County district attorney, recruited him away from private practice for good. Evans assigned him to head up the office's white-collar crime unit.

Feaga participated in a number of high-profile cases, including those against aides of former Attorney General Charlie Graddick who were found to have used wiretaps and illegally procured tax returns in Graddick's 1986 gubernatorial race against Bill Baxley.

Feaga moved on with Evans to the attorney general's office. Evans, in his tenure as state government's top prosecutor, was hampered by accusations of waste in the office and by his association with a political consultant who had a history of problems with the law.

Feaga said Evans made some mistakes, but never used his office for private gain, and knew going into the Hunt case that it would probably kill his political career.

When Jeff Sessions unseated Evans in the 1994 attorney general's race, Feaga prepared to exit the office, given his role in the Hunt prosecution and the anger that had created among Republicans.

Pitt, the federal prosecutor, hired Feaga, and put him on several big cases, including those against John Tanner and other associates of former Gov. Jim Folsom Jr.

The word on Feaga among some other lawyers is that he takes great care before bringing a case, doesn't risk going to trial on cases he doesn't think he can win, and that he's never lost before a jury.

The intense Feaga reddened when asked if he'd indeed never lost a jury trial. He then declined to answer the question.